

REMARKS:

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 14 and 37 have been amended. Claims 26, 28, 29, 33 and 34 have been canceled without prejudice or disclaimer of the subject matter therein. Claims 38-46 have been added.

Claims 1, 14, 16, 19, 37, 38-47 are pending in the present application, of which claims 1, 14, 37, 39, 40, 42, 44 and 47 are independent. No new matter is presented. The rejections are traversed below.

CLAIM REJECTION UNDER 35 U.S.C. §101:

Claims 22, 33, and 37 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. As mentioned above, claims 22 and 33 have been canceled.

With respect to claim 37, based on Supreme Court precedent, a method/process claim is patentable subject matter if (1) among other bases, it is tied to another statutory class of invention (such as a particular apparatus) or (2) transforms underlying subject matter (such as an article or materials) to a different state or thing.

Claim 37 which recites an advertisement "corresponding to a product" and "displaying the advertisement received from the portable terminal of the first user on a display screen of the device of the second user" is directed to a statutory subject matter.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. § 112:

Claims 1, 14, 16, 19, 26, 29, 33-34 and 37 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim their subject matter which applicant regards as the invention. Claim 37 are alleged indefinite as is a method claim not tied to an apparatus. Claims 1, 14 and 37 are indefinite because they present a problem of antecedent basis with the limitation "the received goods search condition".

By the foregoing amendments, the claims have been amended to more particularly and distinctly claim their subject matter.

Accordingly, withdrawal of the rejection is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1, 4, 16, 19, 28, 29, 33-34 and 37 were rejected under 35 U.S.C. 102(e) as being anticipated by Pradhan (US 2002/160759). The rejections are respectfully traversed.

INDEPENDENT CLAIMS 1, 14, 37

As an example, independent claim 1 recites features of "receiving user-specified information about an advertisement medium person having goods on or with him or her, and a retrieval condition of the goods which the advertisement medium person has on or has with him or her from a portable device of a consumer". Pradhan does not teach or suggest at least this feature of claim 1.

Instead, Pradhan merely discusses broadcasting an advertisement from a portable device on behalf of an advertiser. Pradhan does not teach or suggest storing in a portable device, advertisement information about the goods that the user of the portable device has on or with him or her.

Therefore, claim 1 is patentable over the prior art for the reasons discussed above. Claims 16 and 19 depend from claim 1. Therefore, claims 16 and 19 are patentable over the prior art.

Independent claim 14 recites similar features as claim 1. Hence, claim 14 is patentable over the prior art.

Independent claim 37 recites features of (a) "storing a predetermined advertisement on a portable terminal of a first user, said predetermined advertisement corresponding to a product which the first user has on or has with him or her, being transmitted from a provider of the product and identifying the product", and (b) "displaying the advertisement received from the portable terminal of the first user on a display screen of the device of the second user".

Pradhan does not teach or suggest storing in a portable device, advertisement information about the goods that the user of the portable device has on or with.

Therefore, claim 37 is patentable over the prior art for the reasons discussed above.

Starting on page 14 of the outstanding Office Action, the Examiner alleges that paragraph 114 of Pradhan teaches "receiving user specified information about an advertisement medium person." However, these portions of Pradhan only relate to advertisements currently in

the memory of the phone 140, and being displayed on display 142 which are also category-only advertisements (see, paragraph 114).

Further, Pradhan is limited to transferring advertising information between an advertiser phone and a consumer phone. Thus, there is no teaching of "a first user [with] a product that the first user has on or with him or her", "transmitting the retrieved advertisement to the device of the second user" and "displaying the advertisement received from the portable terminal of the first user on a display screen of the device of the second user" as recited in claim 37 for example.

Therefore, withdrawal of the rejection is respectfully requested.

NEW INDEPENDENT CLAIMS 39, 40, 42, 44 AND 47

Independent claim 39 recites features of "the advertising person terminal device stores advertising information corresponding to goods in which the advertising person carries or possesses."

Pradhan does not teach or suggest storing in a portable device, advertisement information about the goods that the user of the portable device has on or with.

Therefore, claim 39 is patentable over the prior art at least for the reasons discussed above.

Independent claim 40 recites features of "(a)transmitting a request for advertisement information corresponding to a certain goods from a first terminal device to a server device, with information identifying the certain goods that a person having the first device has purchased", and (b)"storing the received advertising information into a storage device within the first terminal device".

Pradhan does not teach or suggest storing in a portable device, advertisement information about the goods that the user of the portable device has on or with.

Therefore, claim 40 is patentable over the prior art at least for the reasons discussed above.

Independent claim 42 recites features of (a)"a storage unit that stores advertisement information corresponding to goods which an owner of the portable terminal device has on, has with or has purchased" and (b)"wherein when the communication unit received a request for advertisement information corresponding to the goods from the portable device, the control unit

retrieves the storage unit and obtains advertisement information corresponding to the goods that has been requested".

Pradhan does not teach or suggest storing in a portable device, advertisement information about the goods that the user of the portable device has on or with.

Therefore, claim 42 is patentable over the prior art at least for the reasons discussed above.

Independent claim 44 recites features of "a storage unit that stores advertisement information for advertising a certain goods, and customer information for identifying a customer that has purchased the certain goods or has the certain goods on or with".

Pradhan does not teach or suggest storing in a portable device, advertisement information about the goods that the user of the portable device has on or with.

Therefore, claim 44 is patentable over the prior art at least for the reasons discussed above.

Pradhan does not teach or suggest **"a first user"**, "a provider advertising a product" and "retrieving said advertisement based on a condition from the portable terminal of the first user and transmitting the advertisement to a device of **a second user that is independent of the provider and the first user**", as recited in claim 47 (emphasis added).

Instead, Pradhan is limited to only transmitting the advertisement in association with a single recipient consumer telephone.

In view of the foregoing discussion, it is respectfully submitted that the new claims are patentably distinguishable over the cited references.

CONCLUSION:

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 03/04/2009

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